

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Trustees of the
LABORERS PENSION TRUST FUND -
DETROIT & VICINITY; *et al*,

Case No. 2:20-cv-11052

Plaintiffs,

Hon. Laurie J. Michelson

v.

RED STAR CONSTRUCTION GROUP, LLC,
a Delaware limited liability company; and
DARKO MARTINOVSKI, an individual,
jointly and severally,

Defendants.

_____ /

ORDER ADJUDGING DARKO MARTINOVSKI, INDIVIDUALLY
AND ON BEHALF OF RED STAR CONSTRUCTION GROUP, LLC,
IN CONTEMPT OF COURT AND ESTABLISHING PROCEDURE
FOR ISSUANCE OF BENCH WARRANT

THIS MATTER is before the Court upon the application [ECF No. 72] (the “Application”) of David M. Eisenberg, one of the attorneys for Plaintiffs, for order to show cause why Darko Martinovski, individually and on behalf of Red Star Construction Group, LLC, should not be held in contempt of court for his failure to comply with the Order for Updated Examination of Judgment Debtors Via Zoom and Compelling Production of Certain Documents entered by this Court on September 27, 2021 [ECF No. 65] (the “Order”). A hearing on the Application was

held March 10, 2022 and, despite having received notice of the hearing as appears from the Affidavits of Service filed with this Court [ECF No.'s 76 and 77], Darko Martinovski failed to appear. Counsel for Plaintiffs appeared for the hearing and the Court considered oral argument. The Court is otherwise fully advised in the premises, and for the reasons stated on the record, finds good cause for entry of this order,

NOW THEREFORE;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Darko Martinovski, individually and on behalf of Red Star Construction Group, LLC, is hereby adjudged in contempt of this Court for his failure to: (i) appear via Zoom videoconference on October 26, 2021; and (ii) produce the requisite books, records and documents; both in violation of the Order for Updated Examination of Judgment Debtors Via Zoom and Compelling Production of Certain Documents entered by this Court on September 27, 2021 [Doc. #65].

2. Darko Martinovski, individually and on behalf of Red Star Construction Group, LLC, may purge himself of contempt by completing all of the following:

- i. Contacting Plaintiffs' counsel, specifically David M. Eisenberg of Maddin, Hauser, Roth & Heller, P.C., via telephone (248-827-

1879) within five (5) days of service of this Order (in the manner provided in paragraph 4 below) to confirm a mutually agreeable date and time to appear at the law offices of Maddin, Hauser, Roth & Heller, P.C for a judgment debtor examination (the “Examination”), provided however that the Examination must take place on or before March 31, 2022;

- ii. Producing, on or before the date scheduled for the Examination, all the following books and records relating to Defendants Darko Martinovski, individually, and Red Star Construction Group, LLC:
 - a. All checkbooks, check registers, check stubs, canceled checks, bank statements and other documents whatsoever relating to any deposit, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization, in which Defendants have, or have had, any interest, at any time during the three (3) years immediately preceding the date hereof, or date of cessation of business, whichever is earlier;
 - b. Copies of all returns, schedules and forms filed by, or on behalf of, Defendants with the Internal Revenue Service,

State of Michigan, and any municipal governments, relating to any income received, property owned, business activities, sale or intangibles tax, of Defendants at any time during the three (3) years immediately preceding the date hereof or date of cessation of business, whichever is earlier;

- c. All books of account and accounts receivable ledgers;
- d. List of assets and liabilities;
- e. All contracts of purchase, sale, bills of sale, certificates of title and deeds, and all other evidences of title or instruments of whatsoever kind or nature, relating to the purchase, sale or ownership of any property, real or personal, or any interest therein, purchased, sold or owned by, or on behalf of, Defendants at any and all times during the five (5) years immediately preceding the date hereof or date of cessation of business, whichever is earlier; and
- f. Copies of all profit and loss statements and balance sheets relating to the affairs of Defendants prepared by, or on behalf of, said Defendants at any time during the three (3) years immediately preceding the date hereof or date of cessation of business, whichever is earlier.

And the following books, records, and papers relating to Defendant Darko Martinovski, individually:

- a. Payroll check stubs and other documentation concerning income from any and all sources for the three (3) years immediately preceding the date hereof through to the date of the examination. If such income is derived from a business owned by Darko Martinovski, or a family member of Darko Martinovski, the general ledger and related registers and other books of account for said business shall also be produced.

3. In the event Darko Martinovski, individually and on behalf of Red Star Construction Group, LLC, fails to purge himself of contempt by complying with each of the provisions of paragraphs 2(i) and 2(ii) above, upon the filing by Plaintiffs of an affidavit of such non-compliance, this Court shall, without further application to, or hearing before, this Court, issue its bench warrant for the immediate arrest of Darko Martinovski and requiring his immediate appearance before this Court.

4. A copy of this Order shall be served upon Darko Martinovski by mailing the same, via first class mail, to:

Red Star Construction Group, LLC
c/o Skylar J. Parrish, Resident Agent
32406 Franklin Rd., #250487
Franklin, MI 48025

Darko Martinovski
295 Coldiron Dr.
Rochester Hills, MI 48307

and service by the foregoing means shall be complete upon mailing.

5. Counsel will also attempt personal service on the defendant.

SO ORDERED.

Dated: March 11, 2022

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE